

Mobility: Immigration alert

March 2023



United Kingdom

UK publishes Statement of Changes to Immigration Rules

Executive summary

On 9 March 2023, the UK Home Secretary laid before Parliament a Statement of Changes to the [Immigration Rules](#). The document and changes are fairly extensive, but several changes are minor. The changes will be implemented on staggered dates starting from 12 April 2023 through to 22 February 2024.

New routes and changes to existing routes

- ▶ *Introduction of the Electronic Travel Authorisation (ETA).* The scheme will be implemented in a phased manner over the next two years on the basis of nationality. Qatar (from 23 October 2023) and Bahrain, Kuwait, Oman, the UAE, Saudi Arabia and Jordan (from 22 February 2024) will be the first countries to benefit from the ETA scheme, allowing nationals of these countries to move to visa-exempt status.
- ▶ *Introduction of the Innovator Founder route from 13 April 2023.* This route replaces the Innovator route, which is available to overseas nationals seeking entry for the purpose of establishing an innovative business. The new route removes the current requirement for individuals arriving in the UK to establish an innovative business to have funds of at least GBP 50,000. The aim is to introduce more flexible provisions for those who have genuine proposals to establish innovative businesses and sufficient funds to deliver them. This change also closes the Start-up route for most new applicants as it is no longer necessary to retain a separate route for start-up entrepreneurs who do not meet the current minimum funds requirement. Individuals who submit new applications under the Start-up route and receive an endorsement prior to 13 April 2023 will be eligible to benefit from the Start-up route.

- ▶ *Youth Mobility Scheme.* The UK's existing reciprocal, bilateral arrangement with New Zealand has been enhanced. From 28 June 2023, individuals aged 18 to 35 years will be eligible to apply (up from 18 to 30 years currently), and the length of stay will increase from two to three years.
- ▶ *Government Authorised Exchange (GAE).* The Statement of Changes published updates to ensure that overarching bodies only sponsor individuals within the scope of their approved schemes, and it provided clarifications regarding the grant periods permitted under the GAE route.

Work visas

Salary thresholds for work visa applicants will be updated as follows effective 12 April 2023, based on the latest available UK salary data:

- ▶ *Skilled Worker Visa:* GBP 26,200 (up from GBP 25,600)
- ▶ *Global Business Mobility Visa*
 - ▶ *Senior or Specialist Worker:* GBP 45,800 (up from GBP 42,400)
 - ▶ *Graduate Trainee:* GBP 24,220 (up from GBP 23,100)
- ▶ *Scale Up Visa:* GBP 34,600 (up from GBP 33,000)

The Statement of Changes also provides clarification regarding how salaries will be calculated when applicants have fluctuating weekly hours.

Further, a change is being made to all work routes which require an applicant to have a specific job offer. Pursuant to this new requirement, applications will be rejected if the decision maker has reasonable grounds to believe the applicant's job

does not comply with the National Minimum Wage Regulations or Working Time Regulations.

Additional changes

- ▶ *Global Business Mobility*. The Global Business Mobility UK Expansion Worker route will be updated to reflect the commitments that the UK has made in the UK-Australia Free Trade Agreement. Australian nationals and permanent residents arriving in the UK to open a branch or subsidiary on behalf of their Australian employer will no longer need to demonstrate that they have worked for their overseas employer for at least 12 months prior to arriving in the UK.
- ▶ *Global Talent Prestigious Prizes*. To be considered under this route, prestigious prizes must be given to individuals and not to groups (e.g., awards given to films or projects conducted by organizations). These prizes must also be open to nationals of all countries, and winners must be determined by experts or peers rather than by public votes.
- ▶ *Returning Residents*. Individuals whose Indefinite Leave to Remain lapsed due to absence from the UK for more than two years are now eligible to resume their settlement as returning residents after they return to the UK as a visitor. For this purpose, they must file the Returning Resident application while outside the UK.
- ▶ *Introduction of an appendix on Adult Dependent Relatives*. The immigration rules have been updated to align with the wider approach to suitability requirements under Article 8 of the Human Rights Convention. Entry clearance or permission to stay may be refused to applicants if they fail to meet certain suitability grounds for settlement in relation to serious criminality. Applicants will also need to complete a longer qualifying period before being able to settle (in country) in cases where they fail to meet certain suitability grounds (e.g., have unpaid litigation debt or involvement in a sham marriage/civil partnership) but their removal would breach Article 8.
- ▶ *Changes to the EU Settlement Scheme (EUSS) and EUSS Family Permit*. Various policy changes have been introduced, including changes to allow durable partners who were lawfully residing in the UK before the end of the transition period, and where they were not issued permission as a durable partner before 1 June 2021.
- ▶ *Charity worker*. Amendments have been made to clarify the grant conditions for charity workers. These individuals can now submit proof of supplementary voluntary work, provided it is the same type of role as the one specified on their Certificate of Sponsorship.

Impact on employers

The new changes will result in increased scrutiny regarding compliance with salary thresholds and increases in salary thresholds and going rates for individual occupations. Employers may consider a costing exercise in connection with their mobility programs for 2023 onwards. Further, the ETA scheme will move citizens of beneficiary countries to visa-exempt status and apply to travelers visiting or transiting through the UK who do not need visas for short stays.

Key steps

EY will continue to monitor these developments. Should you have any questions, we encourage you to contact one of our immigration professionals.

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